

ESTTA Tracking number: **ESTTA630471**Filing date: **10/01/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	DCore Lifestyle Inc.		
Entity	Corporation	Citizenship	CANADA
Address	1175 Place du FrÃ¨re AndrÃ© Montreal, Quebec, H3B3X9 CANADA		

Attorney information	Richard Y. Kim McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DC 20001 UNITED STATES dcipit@mwe.com, rkim@mwe.com, bmorgan@mwe.com, ksandacz@mwe.com
----------------------	--

Registration Subject to Cancellation

Registration No	3589766	Registration date	03/17/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	Momento (HK) Limited B12, 21/F, 271 Des Voeux Rd. West Hong Kong, HONG KONG		

Goods/Services Subject to Cancellation

Class 024. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Bed blankets, baby blankets, bedding, namely, quilts, bedspreads and mattress covers, bed linen, namely, flat sheets, bed canopies, bath linen, bath towels, crib bumpers, curtains, cloth flags, clothpennants, duvets, duvet covers, eider-downs, eiderdown covers and coordinated bed accessories, namely, pillowcases, bed sheets, pillow covers, fabric flags, felt pennants; unfitted fabric furniture covers, wall hangings of textile, upholstery fabrics, household and home textile articles, namely, napkins, napkins of cloth for removal make-up and table napkins of textile, golf towels, hand towels, handkerchiefs, hooded towels, household linen, kitchen towels, receiving blankets, silk blankets, table linen, textile napkins, textile place mats, textile tablecloths, throws, towels, washcloths, woolen blankets, unfitted fabric bed and table covers, and shower curtains

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	Petition.pdf(19178 bytes)
-------------	----------------------------

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Richard Y. Kim/
Name	Richard Y. Kim
Date	10/01/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DCORE LIFESTYLE INC.,

Petitioner,

v.

PORT EXCEL INTERNATIONAL LIMITED,

Registrant.

Cancellation No. _____

Registration No. 3,589,766

Mark: MOMENTO & Design

PETITION FOR CANCELLATION

DCore Lifestyle Inc. (“Petitioner”) petitions to cancel Registration No. 3,589,766 for “MOMENTO” & Design owned by Port Excel International Limited (“Registrant”).

1. Petitioner is a Canada corporation, having an office at 1175 Place Du Frere Andre, Montreal, Quebec H3B3X9, Canada.
2. On April 22, 2013, Petitioner filed Application Serial No. 85911335 for the mark MOMENTO THE ART OF LIVING & Design in Classes 8, 11 and 21. The application was filed based on an intent to use the mark in U.S. commerce and also asserts a claim of priority based on Canada application number 1622538 filed on April 15, 2013.
3. In an Office Action dated August 7, 2013, the Examining Attorney issued a refusal of Petitioner’s application under Section 2(d) of the Trademark Act based on an alleged likelihood of confusion with Registrant’s Registration No. 3589766 for the mark MOMENTO & Design. Registrant’s registration covers the following goods in Class 24:

“Bed blankets, baby blankets, bedding, namely, quilts, bedspreads and mattress covers, bed linen, namely, flat sheets, bed canopies, bath linen, bath towels, crib bumpers, curtains, cloth flags, cloth pennants, duvets, duvet covers, eiderdowns, eiderdown covers and coordinated bed accessories, namely, pillowcases, bed sheets, pillow covers, fabric flags, felt pennants; unfitted fabric furniture covers, wall hangings of textile, upholstery

fabrics, household and home textile articles, namely, napkins, napkins of cloth for removal make-up and table napkins of textile, golf towels, hand towels, handkerchiefs, hooded towels, household linen, kitchen towels, receiving blankets, silk blankets, table linen, textile napkins, textile place mats, textile tablecloths, throws, towels, washcloths, woolen blankets, unfitted fabric bed and table covers, and shower curtains.

4. Upon information and belief, Registrant has permanently stopped use of the mark MOMENTO & Design for the goods in International Class 24 with the intent not to resume use.

5. Registrant's mark MOMENTO & Design has lost any capacity as a source identifier for the goods in International Class 24.

6. Registrant has abandoned its MOMENTO & Design trademark.

7. Registrant's registration of MOMENTO & Design has damaged Petitioner.

Thus, Petitioner requests cancellation of Registrant's registration for MOMENTO & Design, Registration No. 3,589,766.

Respectfully submitted,

Dated: October 1, 2014

DCORE LIFESTYLE INC.

By: /s/
Richard Y. Kim
McDermott Will & Emery LLP
500 North Capitol Street NW
Washington, D.C. 20001
Telephone: (202) 756-8000
Facsimile: (202) 756-8087
E-mail: rkim@mwe.com
Attorneys for Petitioner
DCore Lifestyle Inc.

CERTIFICATE OF SERVICE

Petitioner DCORE LIFESTYLE INC. hereby certifies that a copy of this PETITION FOR CANCELLATION has been served upon Registrant Port Excel International Limited on this 1st day of October, 2014, by courier at the following address:

Port Excel International Limited
Ying Piu Mansion,
Flat A, 32/F
1 Breezy Path, Hong Kong

/s/

Richard Y. Kim
Attorney for Petitioner